



City of Dublin

Office of the City Manager

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Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager */mkg*

Date: June 27, 2014

Initiated Paul A. Hammersmith, PE, Director of Engineering/City Engineer

By: Kenneth B. Richardson, PE, Engineering Manager - Design
Philip K. Hartmann, Assistant Law Director

Re: **ORDINANCE 64-14 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.562 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.245 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM DUBLIN TECHMART, LLC AND TECHMART VENTURE, LLC AS TENANTS IN COMMON FOR THE BURIAL OF OVERHEAD ELECTRIC AND TELECOMMUNICATIONS UTILITY LINES UNDERGROUND ALONG FRANTZ ROAD, AND DECLARING AN EMERGENCY.**

Background

The City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"). The Project will improve utilities and improve economic development.

Dublin Techmart, LLC and Techmart Venture, LLC, each with a 50% undivided interest as tenants in common, (the "Grantors") own property from which the City desires a permanent easement and a temporary easement. This property is identified as Franklin County Parcel No. 273-003095.

After engaging in amicable negotiations, the City has come to an agreement with the Grantors to acquire the necessary property interest, pursuant to the terms outlined in this memorandum. This Ordinance authorizes the settlement of the matter for its appraised value of One Hundred Fifteen Thousand Five Hundred Forty-Five Dollars (\$115,545.00).

Acquisition

The City will be acquiring from the Grantors only the property interest necessary for the construction of the Project as depicted in the legal description and depiction attached to this memorandum. The City will be acquiring this property interest for its appraised value. The acquisition is detailed below:

Franklin County Parcel No. 273-003095

Property Interest Acquiring	Description	Appraised Value
Permanent Easement	0.562 acre ±	\$84,300.00
Temporary Easement	0.245 acre ±	\$12,250.00
Improvement Valuation	Trees, Landscaping, Lawn, etc.	\$18,995.00
Total		\$115,545.00

Recommendation

Ordinance No. 64-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

The Law Department recommends approval of Ordinance No. 64-14 by emergency at the second reading/public hearing on July 1 in order to finalize settlement with Dublin Techmart, LLC and Techmart Venture, LLC, and continue moving forward with the Project.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

64-14

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.562 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.245 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM DUBLIN TECHMART, LLC AND TECHMART VENTURE, LLC AS TENANTS IN COMMON FOR THE BURIAL OF OVERHEAD ELECTRIC AND TELECOMMUNICATIONS UTILITY LINES UNDERGROUND ALONG FRANTZ ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"); and

WHEREAS, said Project requires that the City obtain certain property interest within Franklin County Parcel No. 273-003095 owned by Dublin Techmart, LLC and Techmart Venture, LLC, each with a 50% undivided interest as tenants in common, (the "Grantors"), said property interest more fully described in the Exhibit labeled "A" and depicted in the Exhibit labeled "B" attached hereto; and

WHEREAS, the City and the Grantors participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interest for the appraised value of One Hundred Fifteen Thousand Five Hundred Forty-Five Dollars (\$115,545.00); and

WHEREAS, the City desires to execute necessary conveyance documentation to complete the transaction between the City and the Grantors.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized to execute all necessary conveyance documentation to acquire a 0.562 acre, more or less, permanent easement, and a 0.245 acre, more or less, temporary easement for two (2) years, commencing on the date construction begins, from Dublin Techmart, LLC and Techmart Venture, LLC, each with a 50% undivided interest as tenants in common, for the appraised value of One Hundred Fifteen Thousand Five Hundred Forty-Five Dollars (\$115,545.00), said property interest located within Franklin County Parcel No. 273-003095, and as more fully described in the attached Exhibit "A" and depicted in the attached Exhibit "B."

Section 2. This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that obtaining the property interest is necessary for the advancement of this Project. This ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

**PARCEL 2-P
PERMANENT UTILITY, GRADING AND DRAINAGE EASEMENT
FROM
DUBLIN TECHMART, LLC, 1/2 INTEREST &
TECHMART VENTURE, LLC, 1/2 INTEREST**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 13.666-acre tract conveyed to Dublin Techmart LLC (1/2 interest) and Techmart Venture, LLC (1/2 interest) (hereafter referred to as Grantors) by Limited Warranty Deed recorded as Instrument No. 200409160217068 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the intersection of the North Right of Way line of Paul G. Blazer Memorial Parkway as described and recorded in Plat Book 62, Page 1 in the Franklin County Recorder's Office and the West Right of Way line of Frantz Road as conveyed to the Village of Dublin, Ohio as recorded in Official Record 05319 Page C11 in the Franklin County Recorder's Office, said point being the Southeast corner of the Grantor's land and being the **TRUE POINT OF BEGINNING** of the herein conveyed easement;

THENCE with the South line of the Grantor's land and the North Right of Way line of Paul G. Blazer Memorial Parkway, South 70° 25' 09" West for a distance of 44.30 feet;

THENCE through the Grantor's land the following three (3) courses:

- 1) North 19° 34' 51" West for a distance of 30.00 feet;
- 2) North 70° 25' 09" East for a distance of 10.00 feet;
- 3) North 19° 35' 41" West for a distance of 667.55 feet to the North line of the Grantor's land;

THENCE with the North line of the Grantor's land, North 89° 32' 13" East for a distance of 37.08 feet to the West Right of Way line of Frantz Road;

THENCE with the West Right of Way line of Frantz Road and the East line of the Grantor's land the following three (3) courses:

- 1) South 15° 09' 39" East for a distance of 0.38 feet;
- 2) South 19° 35' 41" East for a distance of 633.87 feet;
- 3) on a curve to the right having an **ARC LENGTH** of 51.17 feet, a **RADIUS** of 1,859.86 feet, a **DELTA ANGLE** of 1°34'35", and a **CHORD BEARING** of South 18° 48' 24" East for a **CHORD DISTANCE** of 51.17 feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above described parcel contains 0.562 acres, of which 0.344 acres is already included in existing easements, for a net easement area of 0.218 acres. North based on GPS observations taken on project control.

Parcel 2-P

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.



William C. LeRoy,
Registered Professional Surveyor No. 7664



12-23-2013
Date

EXHIBIT A

**PARCEL 2-T
TEMPORARY GRADING AND CONSTRUCTION EASEMENT
FROM
DUBLIN TECHMART, LLC, 1/2 INTEREST &
TECHMART VENTURE, LLC, 1/2 INTEREST**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 13.666-acre tract conveyed to Dublin Techmart LLC (1/2 interest) and Techmart Venture, LLC (1/2 interest) (hereafter referred to as Grantors) by Limited Warranty Deed recorded as Instrument No. 200409160217068 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the intersection of the North Right of Way line of Paul G. Blazer Memorial Parkway as described and recorded in Plat Book 62, Page 1 in the Franklin County Recorder's Office and the West Right of Way line of Frantz Road as conveyed to the Village of Dublin, Ohio as recorded in Official Record 05319 Page C11 in the Franklin County Recorder's Office, said point being the Southeast corner of the Grantor's land;

THENCE with the South line of the Grantor's land and the North Right of Way line of Paul G. Blazer Memorial Parkway, South 70° 25' 09" West for a distance of 44.30 feet to the **TRUE POINT OF BEGINNING** of the herein conveyed easement;

THENCE continuing with the South line of the Grantor's land and the North Right of Way line of Paul G. Blazer Memorial Parkway, South 70° 25' 09" West for a distance of 15.00 feet;

THENCE through the Grantor's land the following three (3) courses:

- 1) North 19° 34' 51" West for a distance of 45.00 feet;
- 2) North 70° 25' 09" East for a distance of 10.00 feet;
- 3) North 19° 35' 41" West for a distance of 657.75 feet to the North line of the Grantor's land;

THENCE with the North line of the Grantor's land, North 89° 32' 13" East for a distance of 15.88 feet;


THENCE through the Grantor's land the following three (3) courses:

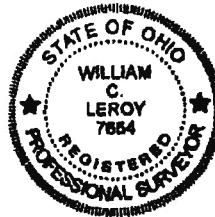
- 1) South 19° 35' 41" East for a distance of 667.55 feet;
- 2) South 70° 25' 09" West for a distance of 10.00 feet;
- 3) South 19° 34' 51" East for a distance of 30.00 feet **BACK TO THE TRUE POINT OF BEGINNING.**

The above described parcel contains 0.245 acres. North based on GPS observations taken on project control.

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.


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Date

